

Document # 4525

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an Order of Taking dated **DEC 20 1984** relating to portions of the DOWNTOWN WATERFRONT-FANEUIL HALL URBAN RENEWAL AREA, MASS. R-77, be executed together with a Plan entitled, "Taking Plan, Rowes Wharf/Fosters Wharf, Redevelopment Project, Boston Redevelopment Authority, Boston, Suffolk County, Massachusetts, dated November 27, 1984," and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Robert L. Farrell
Joseph J. Walsh
James K. Flaherty

William A. McDermott, Jr.
Clarence J. Jones

A true copy

ATTEST:

Kang Sim onian
Secretary of the Boston Redevelopment
Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the BOSTON REDEVELOPMENT AUTHORITY, in accordance with G. L., c. 121B and its predecessor statute G. L., c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 7929, Page 440, an Order of Taking dated February 4, 1965, concerning and describing the Downtown-Waterfront-Faneuil Hall Urban Renewal Area, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G. L., c. 79, §40.

NOW THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in "Annex A", together with any and all easements and rights appurtenant thereto, including the trees, buildings and other structures standing upon or affixed thereto, and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a part of said

property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provisions of the said c. 79, as amended, awards are made by the BOSTON REDEVELOPMENT AUTHORITY for damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any and all interest in each parcel described in "Annex A" and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in "Annex B", which Annex B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority causes this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED: DEC 20 1984

BOSTON REDEVELOPMENT AUTHORITY

[Signature]
[Signature]
[Signature]
[Signature]
Clarence J. Jones

ATTEST:

Karee Surman
Secretary of the Boston Redevelopment Authority

Approved as to Form:

Ralph F. Cahill
Ralph F. Cahill, Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

DOWNTOWN WATERFRONT-FANEUIL HALL

URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following is the parcel of real property subject to the foregoing Order of Taking:

That certain parcel of land, consisting of approximately 3,865 square feet, beneath the surface of Atlantic Avenue in Boston, Suffolk County, Massachusetts, shown on a plan entitled, "Taking Plan, Rowes Wharf/Fosters Wharf Redevelopment Project, Boston Redevelopment Authority, Boston (Suffolk County), Massachusetts," dated November 27, 1984, prepared by Cullinan Engineering Co., Inc., Civil Engineers & Land Surveyors, Scale 1" = 20', which Plan is recorded herewith.

The owner of the property hereby taken is
The City of Boston.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

DOWNTOWN WATERFRONT-FANEUIL HALL URBAN
RENEWAL AREA

AWARD OF DAMAGES

No Awards are made with this Order of Taking.

December 20, 1984

MEMORANDUM

TO: Boston Redevelopment Authority

FROM: Stephen F. Coyle, Director

SUBJECT: Order of Taking Concerning Rows/Fosters Wharf
Development Parcel
Downtown Waterfront Project No. Mass. R-77

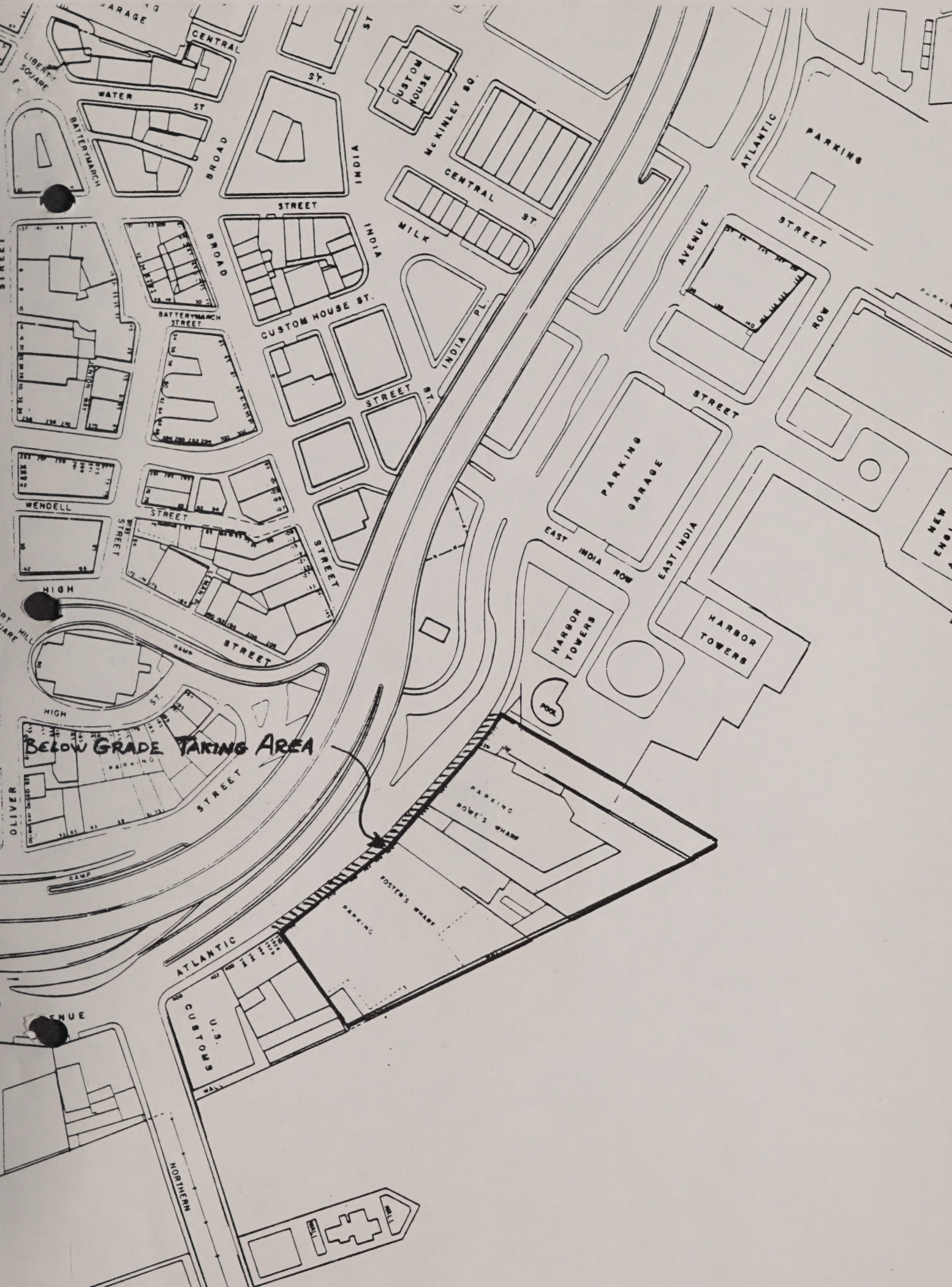
On May 23, 1984, the Authority authorized the Director to execute a Lease Commencement Agreement with Rows Wharf Limited Partnership, the Authority's tentatively designated developer of the Rows/Fosters Wharf parcel. The agreement was executed on May 25, 1984 and the developer is presently finalizing plans for development of the parcel.

The Public Improvement Commission is in the process of discontinuing a below grade portion of Atlantic Avenue in the sidewalk area abutting the Rows/Fosters Wharf parcel for the construction of a portion of a slurry wall to be built by the developer around the parcel. Prior to final action by PIC, the Authority must show ownership of the below grade area proposed for discontinuance.

It is therefore recommended that the Authority adopt an Order of Taking for the below grade area of Atlantic Avenue.

An appropriate vote follows:

VOTED: That the Authority adopt an Order of Taking of a below grade portion of Atlantic Avenue abutting the Rows/Fosters Wharf parcel in the Downtown Waterfront-Faneuil Hall Urban Renewal Area, Project No. Mass. R-77.



BELOW GRADE TAKING AREA

